



Docket No. 1460.1003

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Hideyuki MIYATA et al.

Serial No.: 09/495,715

Art Unit: 2633

Filed: February 1, 2000

Examiner: Leslie C. Pascal

For: OPTICAL COMMUNICATION APPARATUS AND OPTICAL ADD/DROP
APPARATUS

TERMINAL DISCLAIMER UNDER 37 C.F.R. §1.321

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Petitioner, Fujitsu Limited, is the owner of one hundred percent interest in the instant application, as evidenced by an Assignment recorded on February 1, 2000, at Reel 010537, Frame 0394.

Petitioner has reviewed the evidentiary Assignment documents, and to the best of the undersigned's knowledge and belief, the title is in the name of Fujitsu Limited, as specified previously. Petitioner hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 USC 154 to 156 and 173, as presently shortened by any terminal disclaimer, of U.S. Patent Application No. 10/464,650, filed June 19, 2003. Petitioner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and U.S. Patent Application No. 10/464,650 are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, petitioner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 USC 154 to 156 and 173 of U.S. Patent Application No. 10/464,650, as presently shortened by any terminal disclaimer, in the event that it later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of

competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR §1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

The undersigned is an attorney of record.

Terminal Disclaimer fee under 37 C.F.R. §1.20(d) is included.

Date:

April 7, 2005


Paul I. Kravetz
Registration No. 35,230